

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

United States of America

v.

Maurice Antwaun McKnight

Case No. 4:12-cr-00063-TLW-1

Order

This matter is before the Court on inmate Maurice Antwaun McKnight's pro se motion for a sentence reduction under 18 U.S.C. § 3582(c)(1)(A)(i) based on the risk posed by the ongoing COVID-19 pandemic, particularly within the prison population.

Generally, a court "may not modify a term of imprisonment once it has been imposed." 18 U.S.C. § 3582. However, a court may reduce a defendant's sentence pursuant to § 3582(c)(1)(A)(i), subject to exhaustion of administrative remedies. A defendant may bring a motion for compassionate release pursuant to § 3582(c)(1)(A) only "after [(1)] the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or [(2)] the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier" 18 U.S.C. § 3582(c)(1)(A).

This statute requires an inmate to exhaust administrative remedies prior to seeking relief in this Court. *See Ross v. Blake*, 136 S. Ct. 1850, 1857 (2016) (finding that "mandatory exhaustion statutes . . . establish mandatory exhaustion regimes, foreclosing judicial discretion"); *United States v. Monzon*, No. 99cr157 (DLC), 2020 WL 550220, at *2 (S.D.N.Y. Feb. 4, 2020) (denying motion for reduction of sentence because the defendant failed to exhaust his administrative remedies).

Here, inmate McKnight has not alleged that he made such a request to his warden or that he has exhausted his administrative remedies. Accordingly, as McKnight has not made any showing or provided any documentation that he has met the administrative requirements, his motion, ECF No. 331, is **DENIED WITHOUT PREJUDICE**. Because this motion is denied without prejudice, inmate may refile it and include the appropriate documentation showing that he has exhausted his administrative remedies.

IT IS SO ORDERED.

s/ Terry L. Wooten
Senior United States District Judge

August 3, 2020
Columbia, South Carolina